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JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/775,633

Confirmation No. 1325

Applicant: Kevin Burak

Filed: February 10, 2004

TC/AU: 2616

Examiner: LAI, ANDREW

Docket No.: 226432 (Client Reference No. 02,011)

Customer No.: 23460

12/30/2008 LNGUYEN1 00000053 121216 10775633
01 FC:1401 540.00 DA
02 FC:1253 1110.00 DA

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 26, 2008, rejecting the following claims: 1-19.

1. Pre-Appeal Brief Request for Review

A "Pre-Appeal Brief Request for Review"

☐ is filed concurrently herewith or ☒ is not being filed.

2. Status of Applicants


This application is on behalf of ☒ other than a small entity or ☐ a small entity.

3. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for:

☒ other than a small entity or ☐ a small entity.

Notice of Appeal Fee due \$540.00

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number:			
Name (Print/Type)	Phillip M. Pippenger		
Signature		Date	December 26, 2008

4. Extension of Time

- ☒ Appellants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$1,110.00.
- ☐ Appellants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that appellants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$1,110.00

5. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$540.00
Request for Oral Hearing	\$ 0.00
Extension Fee (if any)	\$1,110.00

Total Fee Due: \$1,650.00

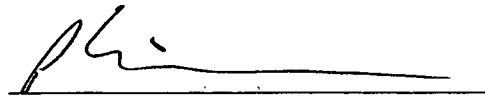
6. Fee Payment

- ☐ Attached is a check in the sum of \$.
- ☒ Charge Account No. 12-1216 the sum of \$1,650.00.

7. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216.

Respectfully submitted,



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Date: December 26, 2008